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Online  
ISSN 1440-9828



July 2013 No 707

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IT IS A HOT NORTHERN HEMISPHERE SUMMER – we pray for climate change

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## GODWIN'S LAW

Nazis always show up sooner or later.

# WATCHING THE DENIERS

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## From the Archive

# Food fight hits wrong target

**ARTEMUS JONES** • MONDAY, DECEMBER 19, 2011

**Defamatorium ... *Gacic v Fairfax* ... Restaurant review ... Right to comment depends on getting the facts right ... Too much Coco, not enough Roco ... Despite the NSW Court of Appeal's finding, Artemus Jones thinks restaurant reviewing is safe, provided all the other ingredients are well served**



The Court of Appeal's recent judgment in [Gacic v John Fairfax](#) has brought on much gnashing of teeth among defamation lawyers who act for large media organisations.

Cries of "it is the end of the defence of fair comment" and "Fairfax would have succeeded in England" have been heard along Phillip Street and Martin Place.

In my opinion this is bunkum.

Justice Rares of the Federal Court pointed out some years ago that the defence of comment had been narrowly interpreted by the NSW Court of Appeal in a number of judgments, going back to the 1990s.

In [Channel 7 Adelaide v Manock](#) the High Court fell in with this trend.

Justice Ruth McColl judgment in *Gacic* (with whom Giles and Sackville agreed) changes nothing in respect of the operation of the defence of comment.



McColl: scathing about trial judge.

Notwithstanding the tendency of courts to confine the ambit of the defence, it can still offer wide-ranging protection for professionally written articles - provided that the author holds the stated opinions and the supporting facts are truly stated.

In my view [Matthew Evans' restaurant review in The Sydney Morning Herald](#) - the matter complained of in *Gacic* - was imprecise.

Evans' review was published on September 30, 2003. The review:

Is seriously defamatory.

Refers to "Coco Roco" compendiously as one entity.

Notwithstanding (b) states explicitly that there were two quite separate restaurants: Coco and Roco.

Added to this are two further facts not in dispute:

Evans ate only at Coco. He did not eat at Roco.

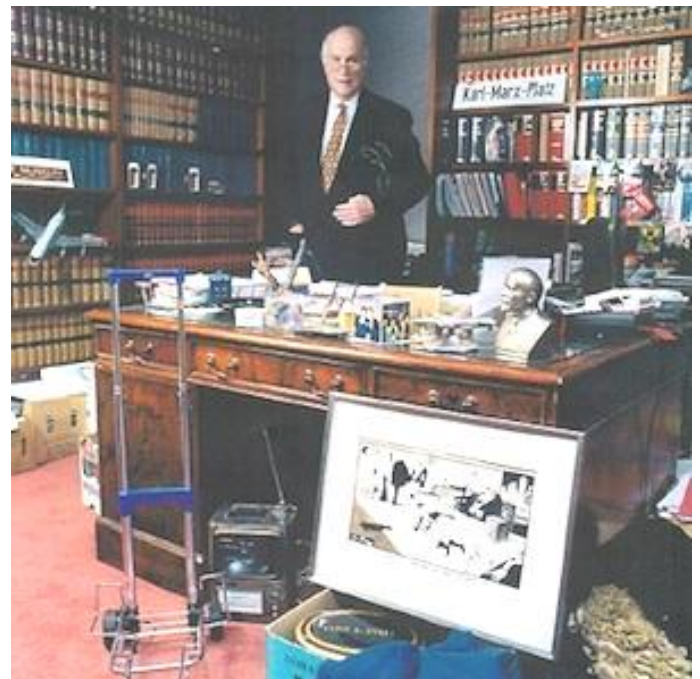
Evans did not hold any adverse opinions about Roco.

Immediately after publication of the review the plaintiffs (the owners of both restaurants) sought an apology, but Fairfax refused to publish one. The plaintiffs then sued for defamation. Enter Clive Evatt, who skillfully pleaded the following imputations:

The plaintiffs sell unpalatable food at Coco Roco.

The plaintiffs provide some bad service at Coco Roco.

The plaintiffs are incompetent as restaurant owners because they employ a chef at Coco Roco who makes poor quality food. Each imputation pointedly incorporates the compendious term "Coco Roco". Each imputation, therefore, defames both restaurants.



Evatt: shrewdEvatt convinced a section 7A jury, the Court of Appeal and the High Court that each of these imputations arose and was defamatory of the plaintiffs. It was these imputations, therefore, which Fairfax had to defend.

At the defences trial before Justice Ian Harrison - fresh from a Court of Appeal birching in another defamation case: [Bennette v Cohen](#) - Fairfax ran an ingenious argument.

Accepting that they could not defend Evatt's imputations because they referred to both restaurants, Fairfax argued that there was in fact only one restaurant.

Harrison J agreed to decide this issue as a "preliminary point", which would determine the outcome of the defences of comment and truth.

Fairfax's argument had difficulties:

(a) *The so-called preliminary point is irrelevant to the issues that Harrison had to determine. In the words of Giles JA it was "a false issue".*

(b) *The argument constitutes an attempt to radically re-define the meaning of imputations already found to have arisen.*

(c) *Fairfax's basic assertion is directly inconsistent with the unambiguous statement in the review that there were two restaurants. It is also untrue.*



**Harrison: found there was one restaurant** Justice Harrison found for Fairfax on the "preliminary point" and upheld the defence of comment, (and truth as to some of the imputations).

Not so surprisingly, in a well-reasoned judgment, McColl JA found that Harrison had got it completely wrong.

Her Honour is scathingly critical of Harrison, but her judgment simply applies the relevant principles relating to the defence of comment to the facts of this case.

As a matter of law, McColl's decision is correct.

As a matter of basic fairness, the judgment is also correct. Why couldn't Fairfax confine the defamatory comments to Coco - the restaurant at which Evans had eaten?

Why did the review go on to defame Roco - a quite separate restaurant at which Evans had not eaten?

If the defamatory comment had been confined to Coco, then the defence of comment would have succeeded.

At the section 7A trial Clive Evatt created a fictional category of "business defamation" and persuaded the Court of Appeal of

its validity. Fairfax appealed to the High Court, but it did not appeal on this issue.

Subsequently, in another case, the High Court put Evatt's heresy to rest.



**Matthew Evans: didn't enjoy his meal at Coco** In the High Court, Guy Reynolds and Evatt succeeded on the issue of the power of the Court of Appeal to direct verdicts in defamation appeals.

Now the defence of comment has failed squarely on the merits.

Actually, it is even worse than that.

Assume that Fairfax's assertion that there was only one restaurant is correct.

It follows that the assertion in the review that there were two restaurants must be false. In such circumstances, how could the defence of comment succeed?

Fairfax now faces a re-trial on damages as McColl JA held that Harrison J's provisional award of \$80,000 was far too little.

In my opinion, this sorry saga gives rise to the following salutary lessons:

(a) Sloppy reviewing or editing will not (and should not) attract the protection of the defence of comment.

(b) Some large media organisations will spend a fortune (the legal costs in *Gacic* must now exceed \$2,000,000) defending the indefensible.

(c) Clive Evatt is one of the shrewdest legal minds at the Sydney defamation bar.

I understand that Fairfax intends to seek special leave to appeal to the High Court. I would have thought that their chances would be slim. After all, what interest does the High Court have in determining whether Coco Roco was one restaurant or two in 2003?

I did, however, seek the view of a respected defamation lawyer in Sydney. His response was as follows:

*"Artemus, to paraphrase the late great wordsmith Rex Mossop, 'If Fairfax get leave in this matter you can f\*#k me in Pitt Street'."*

On that note I'm off to dinner. And no matter how gruesome the fare I will resist the urge to publish a review.

**Artemus Jones reporting**

<http://www.justinian.com.au/bloggers/food-fight-hits-wrong-target.html>

## Excerpt From Marine's Speech Proves Little Has Changed In 80 Years

[GEOFFREY INGERSOLL](#) 31 JULY 2013 6:48 AM



### Marine Maj. Gen. Smedley Butler would be 132 years old today, were he still alive.

He was [twice awarded the Medal of honour](#), for his heroism during several combat tours in Central America. He took part in World War I, the Banana Wars, and the Boxer rebellion in China. Consequently he became quite the anti-war activist in his older age. He [even put a stop](#) to a real-life potential military coup against F.D.R.

If Butler were around today, engagements like Iraq would have him simply astounded.

The country is arguably in its worst security situation in 25 years. The police force just sits back and watches sectarian fighting in the streets. Cafes, liquor stores, and mosques [are bombed regularly](#).

[Outfits like Al Qaeda flourish](#).

Not only is it more violent than it's been since the American invasion, but it's also grown to become the [second-leading nation for oil production](#) in OPEC (first would be Saudi Arabia).

The irony would not be lost on Butler, who toured the U.S. in 1933 giving a speech he called "war is a racket."

Eventually he [turned the speech](#) into a book.

Here's an excerpt:

War is just a racket. A racket is best described, I believe, as something that is not what it seems to the majority of people. Only a small inside group knows what it is about. It is conducted for the benefit of the very few at the expense of the masses.

I believe in adequate defence at the coastline and nothing else. If a nation comes over here to fight, then we'll fight. The trouble with America is that when the dollar only earns 6 per cent over here, then it gets restless and goes overseas to get 100 per cent. Then the flag follows the dollar and the soldiers follow the flag.

I wouldn't go to war again as I have done to protect some lousy investment of the bankers. There are only two things we should fight for. One is the defence of our homes and the other is the Bill of Rights. War for any other reason is simply a racket.

There isn't a trick in the racketeering bag that the military gang is blind to. It has its "finger men" to point out enemies, its "muscle men" to destroy enemies, its "brain men" to plan war preparations, and a "Big Boss" Super-Nationalistic-Capitalism.

It may seem odd for me, a military man to adopt such a comparison. Truthfulness compels me to. I spent 30-three years and four months in active military service as a member of this country's most agile military force, the Marine Corps. I served in all commissioned ranks from Second Lieutenant to Major-General. And during that period, I spent most of my time being a high class muscle- man for Big Business, for Wall Street and for the Bankers. In short, I was a racketeer, a gangster for capitalism.

I suspected I was just part of a racket at the time. Now I am sure of it. Like all the members of the military profession, I never had a thought of my own until I left the service. My mental faculties remained in suspended animation while

I obeyed the orders of higher-ups. This is typical with everyone in the military service.

I helped make Mexico, especially Tampico, safe for American oil interests in 1914. I helped make Haiti and Cuba a decent place for the National City Bank boys to collect revenues in. I helped in the raping of half a dozen Central American republics for the benefits of

Wall Street. The record of racketeering is long. I helped purify Nicaragua for the international banking house of Brown Brothers in 1909-1912 (where have I heard that name before?). I brought light to the Dominican Republic for American sugar interests in 1916. In China I helped to see to it that Standard Oil went its way unmolested.

During those years, I had, as the boys in the back room would say, a swell racket. Looking back on it, I feel that I could have given Al Capone a few hints. The best he could do was to operate his racket in three districts. I operated on three continents.

<http://www.businessinsider.com.au/excerpt-from-marines-speech-proves-little-has-changed-in-80-years-2013-7>

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From the archive

## Jewish 'hate speech' article sparks outrage

August 8, 2012, Barney Zwartz

THE Jewish community should not be misled by compassion from the Holocaust into supporting Muslim boat people, the owner of *The Australian Jewish News* has argued in an article condemned by some as hate speech.

In the latest edition, under the headline "Curb the compassion", Robert Magid said Jews tended to want to appear more compassionate than others because of their history of suffering oppression and persecution, but "the Jews who fled the Holocaust fled certain death. I doubt there is a single boat person in that situation."

Mr Magid said "unscrupulous" illegal immigrants pushed genuine asylum seekers down the queue and that immigration in other countries had led to ghettos and calls for Islamic law. He suggested that hiding among Muslim boat people who had destroyed their documents would be an ideal way for al-Qaeda to smuggle a terrorist network into Australia.

The backlash came quickly. An open letter on Facebook by the Australian

Jewish Democratic Society had attracted nearly 400 signatures last night, while liberal and conservative religious leaders united against Mr Magid.

Advertisement

Leading Orthodox Rabbi Ralph Genende wrote that although he was scared of Islamic extremism, there were no limits to compassion, and most fears about Muslim immigration were unfounded.

Jewish author Arnold Zable said: "Refugees and asylum seekers are only doing what we would do in their shoes, what Jews did in the immediate post-war era as they sought a way to a better life, and what Jews have done for centuries - including the massive emigration in the wake of the 1880s pogroms in Russia."

Last night, Mr Magid said he stood by every word. "I think the majority of people agree with me but they are not willing to come out and say what I am prepared to say. It is a very cogent statement."

He said he was neither xenophobic nor racist.



Boat people are 'only doing... what the Jews did' in the post-war era, says Jewish author Arnold Zable. Photo: Eddie Jim

<http://www.theage.com.au/federal-politics/political-news/jewish-hate-speech-article-sparks-outrage-20120807-23sfy.html#ixzz2ay6TjWsR>

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## Assange consults prominent Sydney barrister

16 October, 2012 Andrew Jennings

One of Sydney's best-known defamation lawyers has advised WikiLeaks founder Julian Assange regarding possible legal action against Prime Minister Julia Gillard.

Barrister Clive Evatt told *Lawyers Weekly* that he was approached by Assange about a defamation claim against Gillard relating to her 2010 statement that WikiLeaks is "illegal" and "grossly irresponsible".

"I was consulted about a claim in July," said Evatt. "As the offending article was [published] over 12 months ago we would have to sue for the continuing publication on the internet. I advised the defendants should be Fairfax and Gillard."

Assange stated recently he was considering suing for defamation and had hired lawyers in Sydney that were investigating different ways to sue Gillard over the statement.

Defamation experts have said the case is unlikely to be heard because a defamation suit must be brought within 12 months of the publication of the defamatory statement.

Evatt, 81, added that since being approached by Assange he remains in the dark about whether the WikiLeaks editor-in-chief intends going ahead with suing Gillard.

"I have heard nothing further," said Evatt, who along with being a barrister

is an avid art dealer and a museum proprietor.

Evatt can count actress-dancer Emilia Caruana as one of his clients - the Australian woman defamed by a newspaper article in the early 1990s after it falsely stated she was a sex slave of Bob Dylan.

Johnson Winter & Slattery partner Kevin Lynch (pictured) has labelled the threatened action by Assange as "far fetched", stating there are too many obstacles for him to negotiate for a successful case against Gillard.

"It's a mad suggestion that you would sue the Prime Minister over a comment like that," Lynch told *Lawyers Weekly*. "Particularly when you've got statute of

limitations issues ... you've got enough hurdles in a defamation action without having to add that to your pile."

Lynch said he didn't know whether it was just a publicity stunt by Assange.

#### **Free speech campaigner**

"In the same breath that Assange is threatening defamation proceedings he describes himself as a free speech campaigner. A lot of people, including some of Assange's supporters, might see all of this to be a contradiction, and a bit precious."

Lynch added that Assange has more than the limitations problem to overcome. He said that "the defences of truth and comment are likely to be enough to get the Prime Minister off the hook".

It would be "novel" for Assange to argue for an extension to the limitations on the basis he was busy doing other things,

such as responding to rape allegations in Sweden or seeking asylum in the Ecuadorian embassy in London, said Lynch.

He added that there is no requirement that Assange be in Australia provided he has lawyers with an address in the jurisdiction.

Lynch also believes that it's unlikely a court would grant an extension on the basis that Assange had not been aware of the comment until now because he has been out of Australia.

"It is unlikely in this case. The Prime Minister's comments were widely and internationally published. It can be assumed that Assange has some familiarity with the internet. It wasn't an obscure publication or a rumour that Assange has to nail down."

Assange is still within time to make a claim in the tort of injurious falsehood

on behalf of WikiLeaks. Lynch feels this avenue would prove another dead end.

"An injurious falsehood has nothing going for it," he said.

"It's a notoriously difficult tort to make out. Assange has the onus of proving that the Prime Minister's statements were false, that she acted maliciously with intent to cause injury without lawful excuse, and that actual economic loss has occurred or will occur as a result.

"He would struggle with all three."

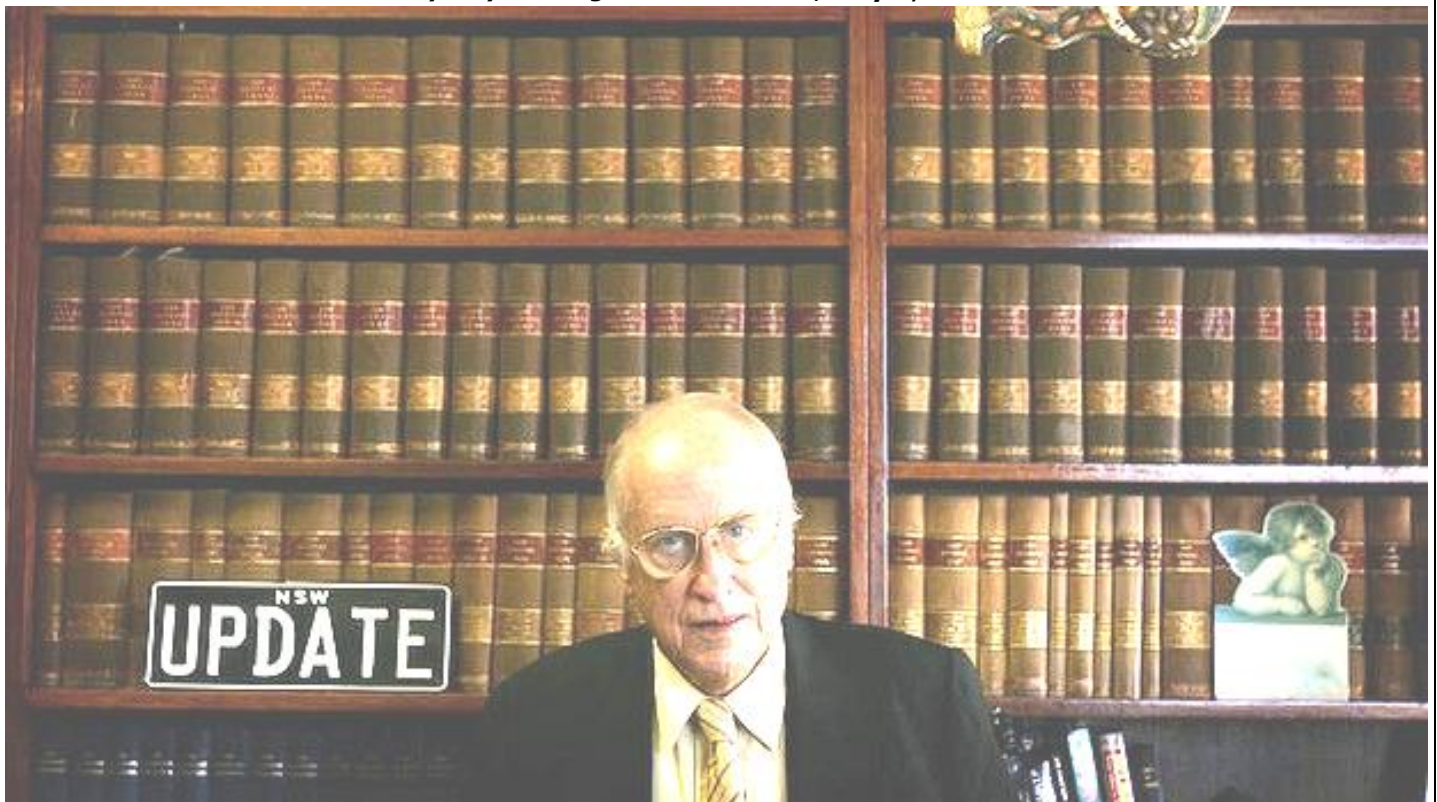
<http://www.lawyersweekly.com.au/news/assange-consults-prominent-sydney-barrister>

## **Lawyers love defamation merry-go-round**

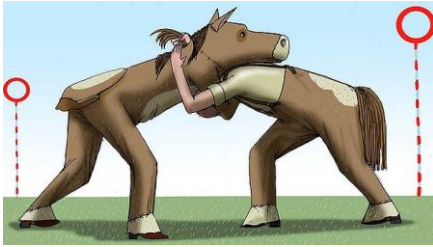


**Richard Ackland**

*Sydney Morning Herald columnist, May 3, 2013*



**Clive Evatt: Tom Waterhouse's first port of call. Photo: Tamara Voninski**



The news that young Tom Waterhouse is consulting his lawyers about suing John Singleton for defamation will come as an enormous relief for the briefs of Phillip Street.

Starved of good defamation work, lawyers need every scrap of litigation they can get their hands on. Suggesting that the bookie could be mired in a conflict of interest sounds like work that could stretch for years.

The layered branches of the Waterhouse tribe have been significant customers of the Supreme Court. First port of call for Tom will be Clive Evatt, who, on and off, has looked after the Waterhouses' defamation business.

Clive will be a lot freer now that there's been a settlement of Robbie Waterhouse's defamation action against Fairfax, which was to commence a hearing on Monday.

Evatt in an interview last year with the *Gazette of Law and Journalism* (interest disclosure) said: "The Waterhouse case is ... next year, where they said he was a murderer. Mind you, he's everything else, but the murder and torture was a bit rough. That should be a good case."

Actually, Tom Waterhouse has already been generating some useful legal work for debt collectors as he chases money allegedly owed by colourful Sydney business identities.

His mother, the well-known horse trainer Gai Waterhouse, is not unknown to the courts, having fought a battle against the racing establishment who refused to give her a trainer's licence.

She was back in court in 1995 with a case against News Ltd publications *The Daily Mirror* and *New Idea*, which had reported that her uncle Ernie Smith, brother of the legendary Tommy Smith, didn't like Gai working at the Tulloch Lodge stables because she interfered too much.

It was settled in her favour for around \$70,000.

In 1997 she sued *The Sun-Herald* over an item in the Gadfly column. She pleaded that the column imputed she was unfit to be a trainer because, among other things, she went to sleep in the clocker's tower at Randwick.

There was another action against the *Sunday Herald Sun* over an article about the running of the horse Gossips.

These two must have been settled in her favour because there are no trial reports.

In 2005 there was a successful damages case brought by two women against one of Gai's companies and the AJC. They were traumatised when one of the horses in Gai's stable broke free from the strapper, ran across Alison Road near the racecourse, and went through the windscreen of their car. Natalie Petrovic was so harmed by the experience that she gave up her job at Kmart, couldn't cope at university and was afraid to leave her house.

All of this pales into insignificance when stacked against the legal work generated by her husband Robbie.

The 1984 Fine Cotton ring-in saga has filled several books and from it came Robbie's and his father Bill's extended expulsion from the track.

Robbie denied backing Fine Cotton in the scam, but was later convicted in the Racing Appeals Tribunal of telling pork pies and was sentenced to eight months of periodic detention.

Out of the affair came a book by journalist Kevin Perkins titled *The Gambling Man*. This book has spawned an entire industry of defamation and contempt actions, including one by a former editor-in-chief of *The Sydney Morning Herald*, David Hickie.

Remnants of it are still rumbling on, with Perkins currently suing journalist Andrew Rule.

Bill and Robbie Waterhouse claimed that they had no involvement in the production of this book.

In 1986 father and son were up in the High Court unsuccessfully trying to stop an ABC broadcast. The ABC remained in Robbie's sights the following year, when

he brought a case of criminal libel against Peter Manning and Tony Jones over a *Four Corners* program titled *Horses for Courses*. He appealed against Magistrate Gilmore's finding that the journalists had no case to answer. Civil proceedings were already under way, and in May 1988 the then director of public prosecutions, Reg Blanch, nobilled the charges.

And Singo. What a contribution he's made to the law of defamation.

He sued over reports that he had a dispute with a black man and over a review of a Max Gillies skit.

In 1987 the long-running defamation case of Ffrench v Singleton was settled.

In July 1984, a Supreme Court jury gave a verdict against Singleton and Channel Ten for \$450,000.

The plaintiffs were trustees of a fund set up to help quadriplegic footballer John Farragher. The defendants appealed the verdict and got a retrial because Justice Kep Enderby had misdirected the jury. Later the parties announced to Justice David Hunt that the case had been settled on terms not to be disclosed.

Singleton also had a go at Fairfax for an article in *The Sun* headlined "John Singleton - 'brawl with police' - charge".

The article alleged that Singo and a mate kissed a man on the cheek in Kings Cross at 2.40am, not knowing he was a detective. A fight ensued.

The advertising guru pleaded the article gave rise to imputations that he was a homosexual, attempted to solicit men and provoked a brawl.

The proceedings were discontinued in 1982.

On it goes. Money and reputation, or in the case of these litigants, money invested in lawyers in the defence of reputation.

**Twitter @JustinianNews**

<http://www.brisbanetimes.com.au/comment/lawyers-love-defamation-merrygoround-20130502-2ivw5.html#ixzz2XHfEqyBO>

<http://www.brisbanetimes.com.au/comment/lawyers-love-defamation-merrygoround-20130502-2ivw5.html#ixzz2XHhvG87>

## Hungary court orders denier to visit Auschwitz

By Nissan Tzur, February 7, 2013

A court in Hungary has handed a Holocaust-denier an unconventional punishment. Gyorgy Nagy, 42, was ordered to visit either Hungary's Holocaust memorial centre, Auschwitz or Yad Vashem in Israel. Nagy, an

unemployed computer technician, is the first Hungarian convicted under the country's new Holocaust denial law which came into effect in February 2010. The Budapest court also gave him an 18-month suspended jail sentence. If

Nagy chooses to visit the local Holocaust memorial centre, he will have to make three trips and write down his thoughts and observations after the visits. Nagy was arrested at a political rally in Budapest in 2011 when police noticed

he was holding a banner with the words: "The Shoah didn't happen."

In the 2010 law, the Hungarian government made denial of the genocide committed by the Nazi regime a crime punishable by a maximum of three years in prison. The bill to ban denial or questioning of the Holocaust was submitted by Attila Mesterhazy, chairman of the Hungarian Socialist Party.

Despite the new law, Hungary's current prime minister, Viktor Orban, has been recently sharply criticised by many Jewish organisations for pandering to nationalists and tolerating antisemitism. In one of the most notable cases, Mr Orban's government was accused of having approved the naming of a park in Gyomro — a small town on the outskirts of Budapest — after Miklos Horthy, the country's wartime leader and a close ally

of Adolf Hitler. Mr Orban has also been accused of failing to condemn antisemitic statements made in recent months by some members of far-right party Jobbik.

<http://www.thejc.com/news/world-news/102279/hungary-court-orders-denier-visit-auschwitz>

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## Ahmadinejad calls Holocaust denial major achievement of his presidency

July 7, 2013 5:01pm

(JTA) — Outgoing Iranian President Mahmoud Ahmadinejad said during a farewell ceremony that publicizing his Holocaust denial was a major achievement of his presidency.

"That was a taboo topic that no one in the West allowed to be heard," Ahmadinejad said in a speech Sunday, according to the Iranian Fars news agency. "We put it forward at the global

level. That broke the spine of the Western capitalist regime."

Ahmadinejad's remarks on the Holocaust appeared on the Fars news site in Arabic, but not on its English website, which covered other aspects of the speech.

Ahmadinejad also called for the Arab world to work together to punish Israel for its treatment of the Palestinians.

President-elect Hassan Rohani described Ahmadinejad's anti-Israel remarks as "hate rhetoric" that had brought the country to the brink of war, the German news agency dpa reported.

<http://www.jta.org/2013/07/07/news-opinion/israel-middle-east/ahmadinejad-calls-holocaust-denial-major-achievement-of-his-presidency#ixzz2ayCzYdmq>

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Andrew Bolt

## The return of the green Nazi

Monday, July, 08, 2013, 11:21am

As I have often warned, the far Left is actually closely related to the far Right. Both believe in sacrificing individuals to the collective, reason to romance.

One example I've mentioned a [couple of times](#):

*The Nazis drew heavily on a romantic, anti-science, nature worshipping, communal and anti-capitalist movement that tied German identity to German forests. In fact, Professor Raymond Dominick notes in his book, The Environmental Movement in Germany, two-thirds of the members of Germany's main nature clubs had joined the Nazi Party by 1939, compared with just 10 per cent of all men. The Nazis also absorbed the German Youth Movement, the Wandervogel, which talked of our mystical relationship with the earth.*

*Peter Staudenmaier, co-author of "Ecofascism: Lessons from the German*

*Experience", says it was for the Wandervogel that the philosopher Ludwig Klages wrote his influential essay Man and Earth in 1913. In it, Klages warned of the growing extinction of species, the destruction of forests, the genocide of aboriginal peoples, the disruption of the ecosystem and the killing of whales. People were losing their relationship with nature, he warned.*

*Heard all that recently? I'm not surprised. This essay by this notorious anti-Semite was republished in 1980 to mark the birth of the German Greens—the party that inspired the creation of our own Greens party. Its message is much as Hitler's own in Mein Kampf: "When people attempt to rebel against the iron logic of nature, they come into conflict with the very same principles to which they owe their existence as*

*human beings. Their actions against nature must lead to their own downfall."*

*Reuters photographer Carlos Barria spent time documenting Mongolian neo-Nazi group Tsagaan Khass, one of several ultra-nationalist groups that have expanded in the country. The 100-plus members of Tsagaan Khass have recently shifted their focus from activities such as attacks on women it accuses of consorting with foreign men to environmental issues. The group is rebranding itself now as an environmentalist organization fighting pollution by foreign-owned mines, seeking legitimacy as it sends Swastika-wearing members to check mining permits.*

(Thanks to reader Nilk.)

<http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/profile/andrew-bolt/>

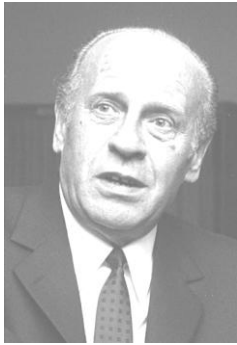
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## Original Schindler's List to be sold on eBay for \$3 million

**Document containing names of 801 Jews rescued from Nazis by German industrialist will be auctioned by California collectors**

July 19, 2013, 7:15 pm

**JTA – A list of names of 801 Jews rescued by German industrialist Oskar Schindler are set to be auctioned off on eBay.**



**Oskar Schindler-(photo credit: Schindler's Legacy official**

The New York Post on Friday reported that the 14 pages containing the original Schindler's List will be auctioned off Friday by California collectors Gary Zimet and Eric Gazin, who set the reserve price at \$3 million but are hoping to sell it for \$5 million. The date April 18, 1945 is written in pencil on the first page. Only male names appear on the German-language list, as well as each person's date of birth and profession.

The list was named for Oskar Schindler, a German businessman credited with saving more than 1,000 Jews from the Nazis by deeming them essential workers for his enamel works factories. His story reached worldwide attention after the release of the 1993 feature film "Schindler's List." Directed by Steven Spielberg, the movie was based on the Booker Prize-winning novel "Schindler's Ark," which Australian novelist Thomas Keneally published in 1982.



**Famous "girl in red" scene from the Academy Award-winning film Schindler's List - YouTube screenshot**

Of the seven original versions of the list, only four are known to still exist — including two at Yad Vashem, the Israeli Holocaust Memorial Museum, and one at the US Holocaust Memorial Museum in Washington, the Post reported.

The sellers said the copy being offered for sale on eBay is located in Israel, according to the paper.

"It is extremely rare that a document of this historical significance is put on the market," Zimet said. "Many of the survivors on this list and their descendants moved to the United States, and there are names on this list which will sound very familiar to New Yorkers."

<http://www.timesofisrael.com/original-schindlers-list-to-be-sold-on-ebay-for-3-million/>

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**[David Brockschmidt's father's trucks did the job in transporting the Schindler Jews to Schindler's ARMAMENTS factory – diverted some of his trucks from the Eastern Front to drive from Poland to Czechoslovakia, a fact ignored by both Keneally and Spielberg. NB: The List did not sell at the auction – ed. AI]**

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## The Australian, Greens leader will defend claims

BY: DAN BOX, [The Australian](#), July 18, 2013 12:00AM

**HISTORIAN Fredrick Töben, previously jailed after questioning the facts of the murder of six million Jews during World War II, is suing Greens leader Christine Milne, claiming she damaged his reputation by suggesting he was a Holocaust denier.**

In two separate legal claims, Dr Töben is also seeking damages for defamation from *The Australian* as well as publisher Nationwide News over an article published last month that quotes Senator Milne.

In documents filed with the NSW Supreme Court, Dr Töben's lawyers said the report falsely suggested he "is an anti-Semite . . . has a racist anti-Jewish agenda" and "deserved to spend time in prison . . . for his Holocaust denial".

It is understood Senator Milne will seek to defend her comments on the basis that she was accurately reported and that what she is quoted as saying is true.

In 1999 Dr Töben was convicted in Germany for defaming the memory of the dead over material he published online that questioned the Holocaust facts.

Ten years later, he was jailed in Australia for contempt of court after he failed to remove internet material about the Holocaust that had been found to breach racial discrimination laws.

The court documents state Dr Töben "has been greatly injured in his character, credit, business, personal and professional reputation" as a result of the newspaper report.

The article in contention reported on a divide between members of the Greens after NSW MP David Shoebridge rescinded an invitation sent to Dr Töben by his office to join a fundraising event. Senator Milne declined to publicly rebuke Mr Shoebridge, in contrast to the Greens' lead Senate candidate in NSW, Cate Faehrmann and her former communications director, Tim Hollo.

The historian, bankrupted last year by legal action launched against him by Jewish community bodies, "says his hurt and upset has been increased by his knowledge that the imputations are false," the documents state.

Dr Töben's lawyers did not return calls yesterday.

The editor of *The Australian*, Clive Mathieson, said the newspaper would defend the matter vigorously.

<http://www.theaustralian.com.au/media/print/the-australian-greens-leader-will-defend-claims/story-fn9ymmvo-1226680985680>

# Holocaust defo case makes strange bedfellows of Greens, *The Oz*

[MATTHEW KNOTT](#) | JUL 18, 2013 12:41PM

Controversial historian Fredrick Toben is suing Greens leader Christine Milne and *The Australian* newspaper — bringing the warring parties together in an unlikely legal battle.

It's taken a twice-jailed Holocaust revisionist to achieve the seemingly impossible: unite the Greens and *The Australian* against a common foe.

As [The Australian reports today](#), controversial historian Fredrick Töben is suing Greens leader Christine Milne and *The Oz* for defamation over [a June article](#) that contained quotes from Milne. Both Milne

and the paper — [which has editorialised](#) that the Greens should be “destroyed at the ballot box” — will vigorously fight their case, and are expected to rely on the defences of truth or substantial truth.

The article, written by *The Oz's* resident Greens gumshoe Christian Kerr, claimed splits had emerged in the Greens after NSW MP David Shoebridge invited Toben on a cruise raising funds for pro-Palestinian activists. Shoebridge said the offer was a mistake and was withdrawn as soon as he became aware of Töben's views.

STATEMENT OF CLAIM	
<b>COURT DETAILS</b>	
Court	Supreme Court of New South Wales
Division	Common Law
List	Defamation
Registry	Sydney
Case number	2013 / 200128
<b>TITLE OF PROCEEDINGS</b>	
Plaintiff	Dr FREDRICK TOBEN
Number of plaintiffs	One
First defendant	CLIVE MATHIESON
Second defendant	CHRISTIAN KERR
Third defendant	SENATOR CHRISTINE MILNE

According to [Toben's statement of claim](#), obtained by *Crikey*, Kerr's article and Milne's quotes contained seven defamatory imputations, including:

That he fabricated history;

That his conduct in denying the holocaust is abhorrent and should be condemned unreservedly;

That he is a Holocaust denier;

That he is an anti-semitic; and

That he has a racist anti-Jewish agenda.

Töben's lawyers claim Töben has been “greatly injured in his character, credit, business, personal and professional reputation” by the article “and has been brought into public hatred, ridicule and contempt”.

*The Australian* is also being sued for defamation by businessman Clive Palmer and by Barbara Ramjan, who made the infamous allegations about the Tony Abbott punch incident.

Töben, whom *Crikey* was unable to contact this morning, was sentenced to three months in jail in 1999 for contempt for repeatedly publishing material that breached the *Racial Discrimination Act*. He was also sentenced to nine months prison in 1999 by a German court under a law that prohibits “defaming the dead”.

The statement of claim lists Töben's lawyer as Carters Law Firm, a small practice in the western Sydney

suburb of Auburn. But when *Crikey* rang Carters we were told Clive Evatt QC will be acting as Töben's barrister in the case. The 82-year-old Evatt is [one of Sydney's most colourful](#) and best-known defamation lawyers. The legendary art buff has represented bookie Robbie Waterhouse, underworld identity Abe Saffron and Gypsy Fire, a dancer wrongly portrayed by the *Truth* newspaper as Bob Dylan's s-x slave.

Evatt, who describes Töben as an “ordinary school teacher”, said: “I wouldn't be fighting it [the case] if I didn't think we have a good chance of winning.”

It is unclear how Töben is funding the defamation action. He was declared bankrupt last September, after being ordered to pay \$175,000 in court costs to Jeremy Jones, a former president of the Executive Council of Australian Jewry.

Evatt tells *Crikey* he is not acting pro-bono, but declined to comment on how Töben is funding the case. When asked how a bankrupt could afford expensive legal action, he said: “He may not be funding it. He may have supporters.”

Evatt says Töben will pay back the legal costs for *The Australian* and Milne if he loses the case. “He's a very moral gentleman, ethical,” he said. “And I'm sure, out

of his pension, he will pay something every week to the costs if he loses."

When asked whether he shares Töben's provocative views on the Holocaust, he said: "I am neutral ... We have a cab rank rule at the bar—we have to take all clients."

Töben and his associates at the revisionist Adelaide Institute, which he founded but no longer runs, have consistently rejected claims they are Holocaust deniers.

<http://www.crikey.com.au/2013/07/18/holocaust-defo-case-makes-strange-bedfellows-of-greens-the-oz/>

## Töben sues for being called a Holocaust denier



**Holocaust denier Fredrick Töben**

FREDRICK Töben claims the Holocaust is a lie – yet he has launched defamation proceedings against federal Greens leader Senator Christine Milne, *The Australian* editor Clive Mathieson and journalist Christian Kerr for, among other things, calling him a Holocaust denier.

The action is in response to a June 21 article in *The Australian* headlined "Split in Greens over Holocaust denier Fredrick Töben", published after Töben was invited and then disinvited from a pro-

**GARETH NARUNSKY, JULY 19, 2013**

Palestinian fundraiser by NSW Greens MP David Shoebridge.

Senator Milne confirmed to *The AJN* that she had received Töben's Statement of Claim.

"I am organising a legal team and will defend the claim," she said.

Kerr also confirmed that *The Australian* had been notified of the action.

Among the defamatory imputations in Töben's Statement of Claim are that "the Plaintiff fabricated history", "the Plaintiff is a Holocaust denier" and "the Plaintiff is an anti-Semite" and "has a racist Jewish agenda".

"The Plaintiff has been greatly injured in his character, credit, business, personal and professional reputation and has been brought into public hatred, ridicule and contempt," it says.

Yet, in the *Adelaide Institute Newsletter* No. 605 February 2012 Töben wrote: "The most – comprehensively developed recent historical lie – the Holocaust-Shoah lie, which states that during World War Two Germans systematically exterminated

European Jewry in homicidal gas chambers – still stands because it is set in legal concrete and it serves well those individuals who see Germans as a threat to their economic existence."

In October 2000, a Human Rights and Equal Opportunity Commission found that material contained on Töben's website "consistently presents Jews as a group of people who are engaged in a manipulation of the truth or an attempt to conceal or pervert the truth in order to obtain political, economic and other power".

The matter is currently listed for the Supreme Court of NSW for July 29, 2013.

*The Australian* editor-in-chief Chris Mitchell did not answer *The AJN's* calls.

<http://www.jewishnews.net.au/toben-sues-for-being-called-a-holocaust-denier/31715>

### LAW & ORDER

## Compensation claim upheld as Holocaust story believed

**KEITH MOOR, HERALD SUN REAL ESTATE, JULY 25, 2013 8:00PM**

VICTORIAN Holocaust survivor Alex Kurzem has been cleared to continue receiving compensation from the German Government.



**Holocaust survivor Alex Kurzem near his Melbourne home. Pic: Kornyei Oscar**

Mr Kurzem said he was relieved that those who doubted his remarkable tale of surviving World War II had been proved wrong.

Allegations Mr Kurzem was a fake and not entitled to compensation were recently investigated by an independent ombudsman. The Jewish Claims Conference, a US-based body that compensates Jewish Holocaust survivors from funds provided by the German Government, ordered the investigation. Mr Kurzem was recently told he would continue to receive compensation after the ombudsman found in his favour. But, while the ombudsman was satisfied he was a Jewish Holocaust survivor, the report fell short of confirming his identity.

In his international bestseller, *The Mascot*, Mr Kurzem said he was a Russian Jew who survived the Holocaust by working closely with an SS extermination squad.

He claimed he was a member of the Galperin family, and that the Nazis gave him the name Kurzemnieks, which he had later shortened to Kurzem.

Mr Kurzem, 77, claims that as a five-year-old he watched the execution of his Jewish mother and siblings before becoming a child mascot for an SS unit in war-torn Europe.

His memoir was turned into an award-winning 2004 ABC documentary, and a French company is making a film about his life.

The ombudsman's report said evidence presented by Mr Kurzem's doubters was "purely circumstantial. None of these pieces of evidence, nor all of them together, can negate the feasibility of the story," the report said. It said Mr Kurzem was eligible for compensation even if he were wrong in his belief that

he was a Galperin. The ombudsman was satisfied Mr Kurzem was Jewish; was separated from his parents during the war; lived under a false identity for at

least 18 months, and; that his life had been in danger.

[keith.moor@news.com.au](mailto:keith.moor@news.com.au)

<http://www.heraldsun.com.au/news/law-order/compensation-claim-upheld-as-holocaust-story-believed/story-fni0fee2-1226685112800>

## Erich Priebke's 100th birthday angers Rome

25.07.2013

The approaching 100th birthday of former SS officer Erich Priebke – a Rome resident and one of the world's last surviving Nazi criminals – has prompted a statement from the partisan group *Associazione Nazionale Partigiani d'Italia* (ANPI) that "to celebrate a war criminal would be indecent."

Priebke turns 100 on Monday 29 July and is serving a life sentence, under house arrest, for his role in the 1944 Fosse Ardeatine massacre in Rome in which the Nazis killed 335 people, mostly Italians. Priebke lives near Piazza Irnerio in the city's Balduina district where he receives numerous visitors and is a familiar figure on his daily walks in the neighbourhood, accompanied by his carer and a police escort.

The milestone birthday has put the former Nazi captain in the spotlight once more, and comes ten years after there was outrage over his 90th birthday party at an *agriturismo* at Tor Lupara north-east of the capital, where over 100 guests arrived from across Italy, Germany, France and Switzerland.

However Priebke's lawyer Paolo Giachini insists there will be no party this time around. Giachini has appealed for an end to "climate of hatred" against his client who he says has been subject to a "media lynching" and a "witch hunt."

Relatives of Priebke's victims have called on him to make a public apology 69 years after their murder, and the president of Rome's Jewish community Riccardo Pacifici has appealed to authorities not to allow any public birthday celebration. "The bone of contention is not the centenary of Priebke – said Pacifici – but the tribute that many make to him by going to his house. It is to them that we express our indignation, not only as Jews but as

Italians."

The mayor of Rome Ignazio Marino has also intervened in the debate, pledging to ensure "personally" that no public party for Priebke takes place.

One of Priebke's close friends Mario Merlino, nicknamed "il Professore Nero" for his neo-fascist past, recently told Italy's *Corriere della Sera* newspaper that Priebke "has got a lot closer to Christianity, perhaps because he feels his end is near. He reads sacred texts, he meditates. He is almost deaf and has lost most of his memory."

Angelo Sermoneta, who runs Rome's historical Jewish community association *Ragazzi del 48* said: "We will make the memory come back to him. The Italian authorities treat him with kid gloves. He is escorted on walks, to the park, to restaurants. He lives his old age in serenity, he who has denied an old age to so many people" he said.

On 24 March 1944 the Nazis executed 335 hostages including 75 Jews in retaliation for a partisan attack on Rome's Via Rasella the day before, in which 33 German soldiers died. The SS command in Rome under Herbert Kappler recommended that ten Italians be shot for every dead German, with the direct order allegedly coming from Adolf Hitler who stipulated that it be carried out within 24 hours.

Priebke is accused of ordering the deaths of five extra prisoners brought erroneously to the caves, close to the Via Appia Antica south of the city walls. He was responsible for checking off the list of those executed and has admitted to killing two hostages personally.

Following the war Priebke escaped from a British prison camp in the north-east Italian city of Rimini in 1946. After living for a couple of years in a safe house in

South Tyrol, northern Italy, he made his way back to Rome where Alois Hudal, an Austrian bishop based in the capital, provided him with false travel documents. In 1948 Priebke arrived in Argentina as "Otto Pape" but reverted to his real name the next year after an amnesty for illegal immigrants was issued by the Argentine president Juan Peron.

Priebke settled in the picturesque skiing resort of S. Carlos di Bariloche, a town with strong German connections. Here he lived for nearly 50 years, becoming a delicatessen owner and even heading the local German-Argentine Cultural Association.

His apprehension by authorities came about after American investigative reporters, acting on a tip-off, were led to his adopted town in pursuit of another former Nazi, Reinhard Kopps, in 1994. To get rid of the journalists Kopps told them that there was a far more senior Nazi living nearby, and directed them to Priebke. When a camera crew led by Sam Donaldson arrived at his doorstep, Priebke admitted to his role in the massacre stating "at that time an order was an order...I had to carry it out."

The confession resulted in the 1995 extradition of Priebke to Italy where he faced a protracted series of high-profile trials and appeals. Eventually, in 1998, he was sentenced to life in prison but the following year received permission to serve the rest of his sentence under house arrest, on grounds of poor health and old age.

<http://www.wantedinrome.com/news/2002469/erich-priebke-s-100th-birthday-angers-rome.html>

## Berlin hotels boycott Holocaust denier David Irving

THE JEWISH CHRONICLE ONLINE, July 26, 2013

David Irving, the Holocaust-denying British historian, is planning a controversial return to Germany but may have a hard time finding a place to stay as hotels in the German capital have banded together to boycott him.

Irving reversed a travel ban imposed on him by a German court that found him guilty of Holocaust denial after arguing that it contravened the EU's freedom of movement policies.

Irving will address guests at a private meeting in Berlin this September, but hotels in the city have pledged to refuse Mr Irving accommodation or a venue.

<http://www.thejc.com/news/world-news/109741/berlin-hotels-boycott-holocaust-denier-david-irving>

## **Lieberman: You Can't Make Peace with a Holocaust Denier** **PA Chairman Mahmoud Abbas is a Holocaust denier and did a PhD about it,** **reminds MK Avigdor Lieberman.**

**By Elad Benari, 7/31/2013, 3:12 AM**

MK Avigdor Lieberman, head of the Yisrael Beytenu party, predicted on Tuesday that peace with the Palestinian Authority will never be possible because of its leadership.



**MKs Shimon Ohayon and Avigdor Lieberman- pic. Hezki Ezra**

Speaking at a meeting of the newly founded Knesset Lobby to Combat Anti-Semitism which is headed by MK Shimon Ohayon (Yisrael Beytenu), Lieberman reminded participants that PA Chairman Mahmoud Abbas is a Holocaust denier, whose doctoral

dissertation was entitled "The Connection between the Nazis and the Leaders of the Zionist Movement."

"There cannot be true peace or a diplomatic process with someone who denies the Holocaust," said Lieberman. "Abbas's book in which he denies the Holocaust is on the bookshelf in my office. I do not recall that any of those who welcomed the peace process reminded Abbas of his denial of the Holocaust, which he continues to do in media interviews."

He added, "When I was Foreign Minister, every time a respected person would come to my office and tell me that Abbas wants peace, I would show him Mahmoud Abbas's book in which he denies the Holocaust."

"Modern anti-Semitism today is in the Palestinian Authority," Lieberman stated. "You should see the PA's textbooks that do not teach the next generation, the so-called

generation of peace, about the Holocaust. These are our so-called partners for peace..."

On Monday, Abbas presented a racist and hateful vision of a future Palestinian state, when he said in Cairo that "Palestine" would not have "a single Israeli - civilian or soldier."

Arab affairs expert Dalit Halevi explained that when Abbas spoke of "Israelis", he in fact meant "Jews." She pointed out that the PA refers to all of the Arabs who live in what they term "Palestine" - including "Israeli Arabs" - as Palestinians. There is, therefore, no distinction in the PA's approach between "Palestinians" and "Arabs," and similarly no distinction between "Jews" and "Israelis," when speaking of residents of the territory of the Land of Israel ("Palestine").

<http://www.israelnationalnews.com/News/News.aspx/170439#.UfiwmJI3Bup>

## **The propaganda war has begun – a big gun arrives in Australia** **Hear from denier defeater**

**GARETH NARUNSKY, JULY 31, 2013**



**Professor Deborah Lipstadt**

AUDIENCES in Sydney and Melbourne will have the chance to hear from one of world Jewry's foremost defenders next month - US-based academic Professor

Deborah Lipstadt (pictured), who famously defeated Holocaust denier David Irving in a British court when he sued her for libel in 1996.

Her book, *History on Trial: My Day in Court with a Holocaust Denier*, will form the basis of the B'nai B'rith Anti-Defamation Commission's (ADC) Gandel Oration, which she will deliver in Melbourne on August 15.

Describing her as "a scholar of great moral strength and courage", ADC chairman Dvir Abramovich said, "Lipstadt's bravery showed the world that those who dare to deny the Holocaust will be exposed, and we are truly honoured that she accepted our invitation."

Lipstadt will also be delivering the Ervin Graf Memorial Oration, in support of the

Shalom Institute, at the Sofitel Sydney Wentworth on August 14.

"We feel so fortunate and privileged to have secured Deborah Lipstadt for 2013 as she ranks among the leading Jewish thinkers and speakers in the world today," Shalom Institute CEO Dr Hilton Immerman said.

Her topic for the Graf Oration is "The Implications of the New Anti-Semitism - Holocaust Denial and Anti-Israelism".

The ADC-Gandel Oration, is on Thursday, August 15, 7.45pm at St Kilda Town Hall. Enquiries:

[www.antidef.org.au](http://www.antidef.org.au).

The Graf Oration is on Wednesday August 14, 7pm at Sofitel Sydney. Info/bookings: (02) 9381 4000.

<http://www.jewishnews.net.au/hear-from-denier-defeater/31807>

## **NGO files racism case against Australian academic for BDS**

**By YONAH JEREMY BOB, 07/31/2013 20:18**

## **Students at Sydney University recently called for severing links with Israeli institutions; action deemed violation of federal law**

The Shurat Hadin Legal Action Center filed a class action complaint with the

Australian Human Rights Commission on Tuesday over a Sydney professor's

participation in and public support of Israel boycotts.

According to a press release, faculty and students at Sydney University recently called for severing links with Israeli institutions, "actions that would be deemed racist and in violation of Australian Federal anti-discrimination laws."

The statement said the complaint – which Shurat Hadin's Australian solicitor Alexander Hamilton filed under Australia's Racial Discrimination Act 1975 – is the "first time that a Racial Discrimination Act action has been launched in Australia against those promoting boycotts, sanctions and divestment (BDS) against the Jewish State."

Further, the statement went on, "it is the first time that Australia's anti-racism laws have been utilized against those seeking to harm Israeli academics or businesses because of their national origin."

In its letter to the Australian commission, Shurat Hadin pointed out that the Racial Discrimination Act made it unlawful for anyone "to do any act involving a distinction, exclusion... or preference based on race... or national

or ethnic origin which has the purpose... of nullifying or impairing... fundamental freedom in the... economic, social, cultural or any other field of public life." The complaint also noted that any boycott of Israeli "settlement products," such as SodaStream and Ahava, harmed Palestinian economic interests, since the factories employed many Palestinian workers and provided an important source of income for local families and villages.

This past semester, the university's student body endorsed associate Prof. Jake Lynch's academic boycott of Israel, Shurat Hadin said.

The statement said that Lynch had publicly announced his refusal to work with Dan Avnon of Jerusalem's Hebrew University and also called for a boycott of the Technion – Israel Institute of Technology in Haifa.

Shurat Hadin said it had warned Lynch last month to cease participation "in unlawful, and racist, boycott activity." The legal NGO added that Lynch had ignored its warning.

It also noted that "although widely condemned by mainstream politicians and community figures, Lynch has also

been publicly supported by notorious Holocaust denier Fredrick Toben."

Next, the NGO stated that authorities such as the Anti-Defamation League and the Simon Wiesenthal Center had recognized the BDS movement as anti-Semitic.

Hamilton called the BDS movement "racist by its own definition because it seeks to discriminate and impose adverse preference based on Israeli national origin and Jewish racial and ethnic origin of people and organizations."

He stressed that the movement "does nothing to help Palestinians and indeed harms them. It is merely an excuse for the vilest public anti-Semitic campaign the Western world has seen since the Holocaust."

Shurat Hadin director Nitsana Darshan-Leitner expressed hope that "this historic proceeding against the BDS movement will serve as a model for battling it in other jurisdictions worldwide."

<http://www.ipost.com/International/NGO-files-racism-case-against-Australian-academic-for-BDS-321661>

## PETITION

### Boycott campaigners sued for racial discrimination

By [Mel Barnes](#), *green left weekly*, Saturday, August 3, 2013

The Israeli Law Centre, Shurat HaDin, has filed a complaint under the Racial Discrimination Act with the Australian Human Rights Commission against the Sydney Peace Foundation's Stuart Rees and Sydney University's Centre for Peace and Conflict Studies' Jake Lynch.

The complaint claims Rees and Lynch are supporting racist and discriminatory policies through their support for the international Boycott, Divestment and Sanctions (BDS) movement against the Israeli government.

It is the first time Australia's anti-racism laws have been used against people involved in the BDS campaign.

A petition has been launched calling for those who support the BDS movement to be named as a co-defendant in the complaint.

The petition says:

**"These accusations are unfounded and intimidatory. They are intended to stifle free speech.**

**"The BDS movement is a call for justice by all sectors of Palestinian civil society and supported around the world by unions, churches, civil**

**society and human rights groups. It is a form of non-violent popular resistance and international solidarity in protest against Israel's persistent violation of Palestinian human rights and international law. "BDS policies make it clear that it is a human rights-based movement and opposed to racism in all forms, including anti-Semitism.**

**"Inspired by the effective movement against apartheid South Africa, BDS is directed against the illegal military occupation and settlements of the West Bank, the collective punishment of Gaza and Israeli discrimination of its own Palestinian citizens.**

**"BDS opposes corporations, institutions and organisations which support Israel's violation of human rights and international law including businesses such as Caterpillar, Motorola, G4S and Veolia.**

**"By supporting BDS and in resisting derision and threats for doing so, Rees and Lynch have rejected the attempt by a foreign agency – in**

**this case the Israeli law firm Shurat HaDin – to stifle dissent in Australia.**

**"This letter invites you to do the same, and in the following terms: I hereby support the global BDS movement. I wish to be named a co-defendant."**

[To sign the petition, titled "Defend free speech and human rights and support the BDS", visit [www.change.org.au](http://www.change.org.au).]

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<http://www.greenleft.org.au/node/54686#sthash.ePKnh9Wr.dpuf>



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>>>From the Archive – 1999<<<

## The Sydney Philosophy Disturbances

[James Franklin](#) *Quadrant* 43 (4) (April, 1999): 16-21.

A revised version with footnotes appears in

[\*Corrupting the Youth: A History of Philosophy in Australia.\*](#)

After Robert Menzies retired, he and B.A. Santamaria got to know each other well. In a memorable interview for the TV series, 'The Liberals', Santamaria recalled Menzies asking him 'Well, young Bob -- and I was nearly sixty years of age -- tell me the three biggest mistakes I ever made.' Young Bob demurred politely, claiming he had never given the question a moment's thought, but when Old Bob insisted, he had three suggestions ready. The first was the consolidation of Canberra as the national capital ('you've created in Australia an oligarchy that we can never get rid of'). The third was the founding of the Liberal Party. Those choices might not be universally acclaimed, but there would be many to agree. The second was a more idiosyncratic suggestion, Menzies' decision in the early 1960s to expand the universities, making each one much larger and increasing the number of them from about seven to seventeen. 'I said it should have been obvious that there weren't enough good academics in Australia to run seven, let alone seventeen -- and this was at the period of course of all the Vietnam troubles.'

It was the universities, as everyone knew, that were at the centre of the disturbances of the Sixties. One factor was the conscription ballot, which concentrated the minds of many students who would never have bothered to analyse society otherwise. Another was that the growth of the universities, apart from admitting to academic positions certain individuals with little talent or interest in matters intellectual, created problems by not increasing much the number of professors. 'Junior' staff who would once have been professors of minuscule departments at 30 seethed. Contrary to the laws obeyed by gases, in which expansion leads to a lowering of pressure and temperature, the expansion of universities in the Sixties led to an atmosphere of a pressure cooker. But even in universities, there was little sign of disturbance in many areas -- in engineering faculties, for

example. For obvious reasons, connected both with the content of the disciplines and the sort of students they attracted, arts and social science departments were the centres of activism. To its central position among those disciplines, philosophy added a tradition of intransigence on matters of principle. Principles, after all, are what philosophy is about. Practical consequences are not.

Among philosophy departments, that at Sydney University enjoyed a status unique in several ways. Situated behind the jacaranda tree in the Gothic quadrangle of Australia's oldest university, it had been the home of Andersonianism, the country's only home-grown philosophical school. In 1965, it saw a bruising public left-right brawl over the failed attempt to appoint Dr Frank Knopfmacher to a position in political philosophy. Where many philosophy departments either capitulated or accommodated to the coming wave of leftist politicisation, Sydney's had two leading members, David Armstrong and [David Stove](#), who were associated with *Quadrant* and the Australian Association for Cultural Freedom, and were not prepared to compromise with the Left. The battle lines of the era, normally dividing parties who had never met each other, were drawn across a department of a dozen people sharing a common room. It is for these reasons that the inside story of that department and its split is of special interest. Those baffled by the developments in universities in the last thirty years have been offered many in-principle analyses, but only a detailed look at events in a single department at the centre of intellectual life will reveal what really happened.

In academic philosophy, people began to wonder if too much attention to the meaning of words had rendered the profession 'irrelevant'. Wal Suchting, the Marxist philosophy lecturer who became the main leader of agitation in the Sydney department, wrote later, 'To the basic questions which the times thus posed -- questions about the

dis-ease of bourgeois culture, the forms of possible alternatives, the strategies and tactics of the path from one to the other -- there came no answers from the thin voice of analytic philosophy quavering on heedlessly in university mausoleums." Surely something was called for from the supposed experts in ethics, when commitment was spreading abroad? Tweed coats were put away and afros grown. Pipes were replaced by microphones. Minds were expanded by the works of Marx and Mao, and by mind-expanding substances of a more physical kind. The Sydney University Philosophy IV students of 1970 included a dope-smoking group and a heroin-shooting group.

The early leader in the 'red shift', however, was not Sydney University but Flinders. The Professor of Philosophy there, Brian Medlin, was one of the leaders in Adelaide of the Vietnam protests, which he continually pushed in a more radical direction. Four of the five members of the Flinders philosophy department converted to revolutionary socialism, and the department's courses became mostly Maoist. The high point of philosophical 'action' came at the Australasian philosophy conference of 1970, when Medlin draped a red flag over the lectern before giving a talk on politics. The conference passed a resolution condemning the war in Vietnam.

There was a danger -- or opportunity, depending on your point of view -- of philosophy being swallowed by politics. David Stove, seeing Sydney University as on a pre-Flinders stage on a slippery slope, wrote:

For the essence of totalitarianism is contained in the great helmsman's injunction to 'put politics in command'. This is not just Communist-Chinese baby-talk. What it means is this: that you are to take over every institution, whatever it may be, and empty out everything which distinguishes it from other institutions, and turn it into yet another loudspeaker for repeating 'the general line'. Destroy the specific institutional fabric of -- a University, a

trade-union, a sporting body, a church - and give them all the same institutional content, viz. a political one. By contrast, the other side argued that there was no standpoint outside the political. According to John Burnheim, among the least radical of those who came to form the leftist Department of General Philosophy, this was supported by the nineteenth century European tradition of thought, which emphasised the historical situatedness of all beliefs. "The philosopher, like it or not, must take a position that rests not on ultimate truths, but on a reading of our specific historical situation. Inevitably it will be a partisan reading."

In June 1971, David Armstrong chaired a lunchtime talk by the First Secretary of the South Vietnamese Embassy. A student took the microphone at the end of the talk and began abusing the speaker. Armstrong seized the microphone back, and a scuffle ensued while he was restrained. The incident is remembered for a spectacular photograph taken of an enraged Armstrong trying to grab the microphone. People had the picture blown up, and took to referring to Armstrong as "the Beast".

By this time, the challenge feared by Armstrong and Stove had arrived in their own department. Wal Suchting and Michael Devitt proposed for 1972 and 1973 courses in Marxism-Leninism. The outline of the courses included mention of the ideas of Stalin, Ho Chi Minh, Mao and Che Guevara, though these were to take up only a small proportion of the courses. Armstrong was willing to agree to a certain amount of teaching on Marx but jibbed at the other names. "These men have no place in the history of *thought*. They were engaged exclusively in political activity." He also objected to the total weight that would be given to Marxism, and doubted the objectivity of the lecturers, who made no secret of their left-wing commitments. Suchting and Devitt claimed their course would be "objective" but of course not "neutral". "Neutrality means not espousing a position ... [it] is neither desirable in theory nor realisable in practice." Matters came to a head at a departmental meeting on 7th June, 1971. Suchting, Devitt and Armstrong reiterated their positions. Stove suggested that the reference to "theory and practice" in the course outline ought to be interpreted in the Leninist sense, that is, that the course was the first step on the road to

complete politicisation. The proposers agreed to remove the word "Leninism" from the title, and voting was then 10 to 3 in favour of the proposed courses. Armstrong as head of department vetoed them. The meeting carried 8 to 4 a motion of censure against Armstrong for his veto. The issues of Marxism, democratisation of departments and "academic freedom" were thus rolled into one, and the fight was on. A moderate, Keith Campbell, urged a conciliatory style, given that victors and vanquished would have to go on living and working together. It was not going to happen. Armstrong and Suchting, in particular, belonged to the crash-through-or-crash school of politics.

After negotiations in higher university bodies and press comment, a compromise was patched up, with one course going ahead under the name 'Marxism'. It was obvious that the next conflict could not be far off.

In 1972, Professor Graham Nerlich had the unenviable job of Head of Department. Democratisation proceeded apace. A meeting that included postgraduate and undergraduate representatives recommended the appointment as a tutor of a Marxist whom Armstrong did not regard as the best candidate. He complained to the administration about such a wide suffrage being allowed in matters of appointments, and tensions exceeded their previous maximum. Devitt wrote an enraged private note to Nerlich, suggesting tactics for dealing with the situation. He added a postscript: "It is now clear that the Beast will not leave any of us in peace. It seems necessary therefore that he be discredited and driven from the University. I shall henceforth support any tactic (within certain limits) that seems likely to help the achievement of this end." Nerlich proposed to take no notice of it, but the note somehow fell into Armstrong's hands. Here, it seemed, was Marxist-Leninist praxis, red in tooth and claw, not only on the doorstep but inside it. Armstrong felt it necessary to publish the note "in self-defence". Peter Coleman read the offending sections of Devitt's letter in State Parliament. Santamaria urged Armstrong to demand Devitt's dismissal, but it was felt more advantageous to take the rare opportunity for the Right to enjoy underdog status. Devitt denied there had been any actual plot; earlier and later evidence makes it clear that that was true, but some recalled the earlier Orr and Knopfmacher cases as

warnings that threats to destroy academic careers were not to be taken lightly. The Vice Chancellor rejected Armstrong's appeal, and the tutor chosen by the departmental meeting was appointed.

As expected, 1973 was not a year of peace and harmony. In late 1972, a departmental meeting widened suffrage to all philosophy students, including those in first year. Control was thus delivered to those radical enough to keep turning up. Philosophy was the only department to go as far as that. A subsequent meeting allowed the teacher of any option to decide how students were to be passed and graded, meaning that exams and assignments could be dispensed with.

By this time, feminism had appeared as an organised force, and was demanding a place in university courses. In early 1973, two graduate students, Jean Curthoys and Liz Jacka, proposed a course on 'The politics of sexual oppression', to run as an option in the second half of the year. Apart from the content, the proposal was unusual in being proposed six months later than normal, and in being offered by graduate students. The department voted overwhelmingly for the course, although the minority voting against included the four most senior members. The Faculty of Arts also approved it, though only on the casting vote of the chairman. The Professorial Board rejected the proposed course, and a strike of staff and students began, spreading to several arts and social science departments and disrupting lectures in them for weeks. Students attending the lectures of Armstrong and other non-striking philosophers faced pickets outside and inside the lectures. Tents were pitched on the quadrangle lawn. Jack Munday appeared on campus, promising a Builders Labourers Federation ban on work at the University.

After various negotiations and inquiries, the administration agreed to the course, under a milder title, and with a more or less nominal supervision by John Burnheim. In effect, it was a total victory for the strikers. Frank Moorhouse describes a visit to the victory party:

They were singing sentimental Irish songs under the banner 'Philosophers hitherto have only interpreted the world -- the point now is to change it.' They had two four-gallon casks of wine - which is counter-culturally acceptable alcohol; spirits and beer are frowned upon, spirits because of their upper-

income connotations and beer because it is associated with the worst kinds of Australian male behaviour. We talked briefly with George Molnar, a lecturer in philosophy who had been centrally active in the strike. He was making the 'goodies' in the kitchen (not savouries).

'Tomorrow the world', he said.

From the other side, things did not look so good. Armstrong says: "In the immediate aftermath of the strike, things seemed very bleak. The radicals had effective control of the department, and there seemed to be no future in it for the rest of us. Some older members of staff planned to retire early, others started to look for jobs elsewhere. It did not seem that it would be possible for philosophy as we understood it to go on being practised and taught at Sydney University." Nerlich did leave, taking a chair in Adelaide. But salvation, of a kind, was at hand. Keith Campbell, who had seen enough of radicalism at close range, got together a proposal for splitting the department. Faced with the probable loss of the philosophers of repute, the Vice-Chancellor agreed to it. Armstrong and six others formed the Department of Traditional and Modern Philosophy. It became "the pleasantest environment for teaching philosophy that I have ever experienced", Armstrong says, while David Stove said in 1991, "the first twenty years of the new Department of Traditional and Modern Philosophy have been fertile in good philosophy, to a degree unparalleled in any similar period in this or any other Australian university. The department has also enjoyed a rare freedom from internal disharmony. As I have often said, it is the best club in the world, and to be or have been a member of it is a pleasure as well as a privilege."

The atmosphere was not so tranquil in the other department, which was allowed to get away with the name 'General Philosophy'. Animosity had already run high in the strike itself between feminists and the unreconstructed Marxist males who regarded the women's course merely as a pretext for another fight about democratisation and self-management. The Department was fully democratic, with all staff and students having the right to speak and vote on matters of course content, assessment and appointments. Meetings of up to 500 were known, though student apathy kept most down to some 20. Formal exams were eliminated, and in some

subjects students assessed themselves. Enrolments were much larger than for the Trad and Mod Department - in 1978, GP had about 750 to T & M's 200. But the apparent success was not all it seemed. For one thing, the Administration played hard ball. Though they never had the stomach to "clean up" GP, they did fail to provide extra resources to cope with the extra students, and periodically threatened to forcibly amalgamate the two departments. But the more important source of trouble was a series of internal disputes, splits and scandals. They mostly arose from the domination of departmental meetings by a group led by Wal Suchting and calling itself the "Marxist caucus". It was regarded by others as ruling by vigorous meeting attendance, humiliation and ridicule. Wal was in his element, according to outsiders then and insiders since.

Devitt, who wanted to get on with mainstream philosophy, found himself increasingly isolated. A tutor was appointed in logic who thought logic played a reactionary role in maintaining bourgeois philosophical ideology. Devitt failed in an attempt to have a permanent position vacated by someone in logic and language filled in the same area. Bryan Neilson, a tutor not in the ruling group, who had been persuaded to come from the U.S. by Burnheim with a written offer of a job for three years, found himself out of a job after two, courtesy of a departmental meeting. Some bravely urged that promises created a moral obligation. Devitt recalls that the Caucus were not impressed by this piece of bourgeois morality. "I attended a Caucus meeting (although not a member) where the whole matter was discussed. Someone asked what Burnheim's position was. I vividly remember Wal's reply: he chuckled cynically and simply went through the motions of washing his hands." Jean Curthoys openly defended the political nature of the decision at the meeting: "It is important to be clear on two things: (1) That all appointments are political appointments and (2) that part of the case against Bryan and for Julie and Dick is quite frankly political." Since the whole point of the department is "a critique of all the practices of other departments in the University, as well as of society at large", "the reason that Bryan cannot assist the particular school of philosophy we think it is important to develop is that his whole philosophical approach is the orthodox one it is our object to criticise." If those were the

chances of a candidate actually present, the prospects of anyone absent were even less. Over many years, the determination of GP to appoint only its own candidates to positions became an ever better known scandal.

Marks as well as appointments were handed out for political rather than intellectual performance. Even Suchting, who certainly took scholarship seriously, regarded the department's inflated marks for poor work as indefensible. "It is well known," he wrote a few years later, "if perhaps seldom (very seldom) noted and discussed, that a student can pass a course in GP by attending next to no classes in that course, so long as s/he puts in an essay of a very minimum standard of merit on some subject more or less connected with the course, at some time or other ... I personally find it very demoralising to give a reasonable course to such and such a number of more or less regularly attending students (classes tend to be treated like lengthy TV movies that one watches off and on during the evening, with breaks for a drink and a snack, a game of chess, etc.) and then find submitted at the end a number of scripts far more numerous than that, most of which I am more or less obliged to pass, though they bear no impress of the course at all ... This sort of assessment very largely ... accounts for the size of our enrolment." At one point, it was discovered that the department was giving a course without approval -- on anarchism, appropriately enough -- and allowing self-assessment in it.

Devitt and two others had had enough, and began negotiating secretly with the Vice-Chancellor with a view to re-amalgamation. "The VC puffed smoke," Devitt recalls, "made encouraging noises, and did nothing. (It was often hard to tell if he was breathing.)" When it became clear nothing was going to happen, the three quit General Philosophy, again denouncing the intimidation, insults, ostracizing and hectoring there. They joined the Traditional and Modern Department, becoming known as the first wave of "boat people". The remaining members were rocked. The radicals wanted to keep up the fight, but Burnheim, as usual, and Suchting, unusually, and others in receipt of salaries advised caution. The "period of easy offensives is over", Wal announced.

It is customary for philosophical scholars of a continental bent to declare themselves for one or other European

author, commentary on whose works provides the mass of the scholars' own output. In General Philosophy, first choice of guru was Louis Althusser, author of *For Marx Reading Capital Lenin and Philosophy* etc. Embarrassingly, a Sydney student visited Paris, secured an interview with Althusser, and brought back bad news for his Australian disciples. He had never heard of them, and when their interpretation of his work was explained, he denounced it as a travesty. The movement of his thought, he said, was away from ideology, and he had this message: "Go and tell the comrades down there, on my behalf, not to confuse philosophy with ideology nor to reduce philosophy to political agitation." In any case, a few years later, Althusser murdered his wife. It was time to move on. There were plenty more gurus where Althusser came from. A faction appeared in GP that leaned towards French authors who combined Marxism, feminism and psychoanalysis -- Foucault, Irigaray, Lacan, Derrida, Lyotard, Baudrillard, Deleuze and so on. Within a few years, they had the numbers to roll the Marxist caucus. They and their students are still in charge.

In the face of student disillusionment with Marxism, and to the loss of the numbers by the Marxist ruling staff faction, the acting head of the department in 1979, Alan Chalmers, suspended the democratic constitution and assumed the traditional powers of a head of department. As Stove put it, "General Chalmers has overthrown the government of General Philosophy. He has promised that free elections will be held *after order has been restored* The promised restoration of democracy is still awaited.

A new Vice-Chancellor found himself deluged by complaints about the doings of General Philosophy, but his efforts to amalgamate the two departments came to nothing. The result was that GP retained effective control of its appointments. They proceeded to use it, in securing the appointments of two internal feminist candidates, Denise Russell and Elizabeth Grosz, over obviously superior outsiders. The first case was somewhat less scandalous, in that Russell was recognised as a good teacher of first year students, so that at least someone benefited from her appointment. The Grosz case created a starker contrast between practice in General Philosophy, and the standards applying in the rest of the Australian philosophical community. When Dr

Grosz's appointment as lecturer was under consideration, eleven of the seventeen permanent members of the School of Philosophy conveyed to the selection committee their view that her appointment would be "unacceptable in any circumstances." It was leaked that a moderate outside feminist was likely to be appointed, whereupon 60 members of the Faculty of Arts signed a petition in Grosz's favour, and further references were allowed, for Grosz but not for the other candidates. Reasons were thought up to eliminate the strongest of the 55 external candidates. Charges against Grosz's teaching and assessment were ignored. Grosz was appointed. There was another wave of three "boat people" who left GP for T & M. They included Jean Curthoys.

In 1984-5 David Stove protested publicly that the Faculty of Arts was favouring women in appointments. It appeared that the figures the administration had supplied him with were not accurate, which was a cause of embarrassment, including an attack by Susan Ryan in the Senate, but he relied also on information about individual cases such as those of Russell and Grosz. *Playboy* invited him to write, and 'Willesee' and 'Nationwide' suggested he appear, but he declined his opportunity for fifteen minutes as performing seal. When he wrote to the Vice-Chancellor threatening to name those responsible if Denise Russell were to be appointed to the lectureship in General Philosophy over stronger candidates, the University of Sydney was finally moved to action. The Registrar threatened Stove with disciplinary action. No more came of it, but the threat of disciplinary action for such an "offence" is a rare one.

Stove's last word on the question, before he took early retirement, was his 1986 *Quadrant* article, 'A Farewell to Arts'. "The Faculty of Arts at the University of Sydney", he writes, "is a disaster-area, and not of the merely passive kind, like a bombed building, or an area that has been flooded. It is the active kind, like a badly-leaking nuclear reactor, or an outbreak of foot-and-mouth disease in cattle." As evidence he quoted several passages from work in the Faculty, the most offensive one from a paper 'What is feminist theory?', by Elizabeth Grosz:

Feminist theory cannot be accurately regarded as a *competing* or rival account, diverging from patriarchal texts over what counts as true. It is not a true discourse, nor a more objective or

scientific account. It could be appropriately seen, therefore, as a *strategy* a local, specific intervention with definite political, even if provisional, aims and goals. In the 1980s, feminist theory no longer seems to seek the status of unchangeable, trans-historical and trans-geographic truth in its hypotheses and propositions. Rather, it seeks effective forms of intervention into systems of power in order to subvert them and replace them with others more preferable.

Stove comments that the value of the passage "lies in proving that nowadays the Faculty of Arts has philosophy lecturers who frankly avow that their 'philosophy' has nothing to do with an interest in truth and everything to do with an interest in power." The only solution, Stove suggested, was the imposition of fees, at least for Arts students, and the diversion of resources from Arts to the scientific faculties.

Michael Devitt and Jean Curthoys in large part repented of their earlier radicalism, Devitt becoming well known as a professor at the University of Maryland and philosopher of language, and Curthoys writing *Feminist Amnesia* an attack on radical feminist "theory". Professor Elizabeth Grosz's subsequent career has been crowned with various successes, including a NSW Premier's Literary Award. Wal Suchting remained an unreformed old-style Marxist until his death in 1997. David Armstrong, by then the University's longest-serving professor, retired in 1991; his 1997 book, *A World of States of Affairs* sums up over twenty years of work on universals and laws of nature. He was succeeded as Challis Professor by Keith Campbell. David Stove died in 1994. He is best known for his two books of philosophical polemics, *Popper and After* (recently reprinted by Macleay Press under the title *Anything Goes* and *The Plato Cult* a demolition of the persistent idealist currents in philosophy. A book of his essays, *Cricket Versus Republicanism* includes 'A farewell to Arts' and 'The intellectual capacity of women'.

It is sometimes presumed that in the last decade the department of General Philosophy has settled down and become a respectable enough outfit, at least by the standards of Arts faculties. But the scandals have not ceased. The latest one is the Buckle case, still under way. Stephen Buckle has been a member of the Department of General Philosophy for over five years; he has published an Oxford University Press

book on early modern philosophy and various articles. These writings are in more traditional areas of philosophy than those of the General Philosophy majority. In 1995, he published in *Philosopher* magazine a vigorous attack on the misuse of statistics by a number of academic feminists: he wrote, "significant parts of our key information sources -- whether academic, journalistic, or governmental -- are now uncritically wedded to a crude gynocentrism which systematically misrepresents social reality"; "the feminist social studies regularly reported in our newspapers are rarely worth the paper they're printed on"; feminist illusions, "fed by

an inappropriate and melodramatic vocabulary, and embedded in an interpretation of history which verges on paranoia, are the main cause of feminism's present impasse", and so on. Unfortunately for him, he had neglected to obtain tenure before committing these observations to print. People started discussing his prospects of survival, mostly pessimistically, especially when it became known that there was much internal wrangling over rewritings of the job description. When his contract came up for renewal early this year, no-one was surprised to hear that his job had gone to a Canadian political theorist, whose writings on Mabo and sovereignty are more or less

identical in content to the writings on Mabo and sovereignty of two GP insiders. They were even less surprised when it turned out that the Dean of Arts, whose work on feminist statistics had been attacked years before in *Quadrant* (Jan/Feb, 1984) in terms similar to those of Buckle's article, had chaired Buckle's selection committee. Sydney University's corruption committee ruled the case outside its competence, and the Vice-Chancellor maintained the finest traditions of inaction of his predecessors. Buckle is busily applying for jobs elsewhere.  
<http://web.maths.unsw.edu.au/~jim/sy dq.html>

## QUESTION: HOW LONG CAN THE JEWS PERPETRATE THE HOLOCAUST MYTH?



**ANSWER: NOT MUCH LONGER!**

# **Australian Academic Faces Racism Claim From Pro-Israel Group**

Friday, 2 August 2013, 4:34 pm

**Press Release: [Shurat HaDin](#)**

## **Israeli Civil Rights Group Files Class Action Racism Complaint Against Australian Professor Over Israel Boycotts Including Sydney University Academic Boycott**

July 31, 2013: An Israeli civil rights group, Shurat HaDin, has filed a class action complaint under the Racial Discrimination Act 1975 with the Australian Human Rights Commission over a Sydney professor's participation and public support of boycotts of Israel including an academic boycott of Israeli universities. Recently, faculty and students at Sydney University called for the severing of links with Israeli institutions, actions that would be deemed racist and in violation of Australian Federal anti-discrimination laws.

The complaint filed by Shurat HaDin's Australian solicitor Alexander Hamilton is the first time that a Racial Discrimination Act action has been launched in Australia against those promoting boycotts, sanctions and divestment (BDS) against the Jewish State. It is the first time that Australia's anti-racism laws have been utilized against those seeking to harm Israeli academics or businesses because of their national origin.

In its letter sent to the Australian commission, Shurat HaDin pointed out that the Federal Racial Discrimination Act of 1975 made it unlawful for anyone "to do any act involving a distinction, exclusion...or preference based on race...or national or ethnic origin which has the purpose...of nullifying or impairing...fundamental freedom in the...economic, social, cultural or any other field of public life."

The Shurat HaDin complaint also noted that any boycott of Israeli "settlement products," such as SodaStream and Ahava, harms Palestinian economic interests due to the fact the factories employ many Palestinian workers and provide an important source of income for local families and villages.

This past semester, the university's student body endorsed Associate Professor Jake Lynch's academic boycott of Israel. Lynch had publicly announced his refusal to work with Dan Avnon, an Israeli professor from the prestigious Hebrew University in Jerusalem, which promotes Israeli-Arab coexistence, and also called for a boycott of Technion University in Haifa.

Last month, Lynch refused to heed the Tel Aviv-based rights group's warning that he must cease participation in unlawful, and racist, boycott activity. Although widely condemned by mainstream politicians and community figures, Lynch has also been publically supported by notorious Holocaust denier Fredrick Toben.

The BDS movement has been recognized as anti-Semitic by leading authorities such as the Anti-Defamation League in the United States, and in a report recently released by the Simon Wiesenthal Center.

According to solicitor Andrew Hamilton: "The BDS movement is racist by its own definition because it seeks to discriminate and impose adverse preference based on Israeli national origin and Jewish racial and ethnic origin of people and organisations. It does nothing to help Palestinians and indeed harms them. It is merely an excuse for the vilest public anti-semitic campaign the western world has seen since the Holocaust."

According to Shurat Hadin director Nitsana Darshan-Leitner: "Lynch and his ilk seek to boycott Israeli and Jewish national products, whether its goods, services, performers or professors. By singling out Israel and no other country the BDS extremists expose the anti-Semitism that motivates them. We are hopeful that this historic proceeding against the BDS movement will serve as a model for battling it in other jurisdictions worldwide."

**ENDS**

<http://www.scoop.co.nz/stories/WO1308/S00034/australian-academic-faces-racism-claim-from-pro-israel-group.htm>

**In a time of universal deceit truth-telling is a revolutionary act**  
**George Orwell**

# **THE TIME IS NOW!**

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## **Critique of the film**

### ***We Steal Secrets – the Wikileaks Story***

**By David Brockschmidt**

In my opinion the film's title is wrong. The title should have been: *We Tell The Truth, Whistleblowers of the World Unite* – The Julian Assange-Wikileaks Story.

The film is worthwhile watching because it shows us ordinary folk that the world is run, with a very few glorious exceptions, by a bunch of power-hungry megalomaniacs and criminals.

They are financed by the bankster-gansters of Wall Street and their misfit offspring from around the world.

Now let me make a few points not addressed in this film:

**1.** Julian Assange's right-hand man, the German Herr Daniel Domscheit-Berg published the book, *Inside Wikileaks*, in a time when Julian Assange was on the run and Wikileaks was on its knees.

Regardless if Domscheit's critique is justified or not, the timing of his publication was a clever financial coup but a personal betrayal of Julian Assange, and it weakened Wikileaks enormously.

According to the latest information Daniel Domscheit-Berg will now be sued by Wikileaks for stealing 3,500 documents, which were intellectual property of Wikileaks. In an interview with the German news magazine, *Der Spiegel*, Domscheit stated that these documents were not safe with Wikileaks and so he shredded them. He also accused Wikileaks of 'neo-Nazi attitudes'. This is a typical smear tactic of the left when they run out of arguments

and have no answers to questions asked. We have heard it all before and we will hear it all over again.

**2.** The so-called sexual assault rape-charges made by two Swedish women who wanted to have a sexual relationship with Assange is the classic honey-trap set up, which went wrong. Regardless if these two women, or even just one of these Swedish "saints" had CIA connections or not.

Our two "consensual" Swedish rape victims said they only wanted Julian Assange to have an HIV test after they had had sex with him. He did have a test later on and it proved to be negative. One of the alleged "victims" said: 'I was talked into and pressured by the Swedish police to sign a statement, which I did under duress'. She also said, 'In hindsight I would not sign this statement again'. The other "victim's" statement to the police was withdrawn by the Swedish police because of inconsistencies, but then re-instated on orders of the Swedish police prosecutor who is known as a rampant feminist. One wonders who else was breathing down the police's neck here. Was it only the police prosecutor or was it the long arm of Big brother from Washington DC? If these two "rape victims" were so concerned of being infected with HIV by Julian Assange, why didn't they themselves have an HIV test? This set-up was totally unprofessional, so try harder next time, girls!

Monica Lewinski and US President Billy the Kid in his "oral office" comes to mind here. The only ones that profited from that saga was Monica and the cigar makers.

The most professional honey trap ever was an East German Stasi lady who ended up in John F Kennedy's bedroom. One wonders what secrets JFK spilled while this red Mata Hari had the President of the United States by the balls? In his memories JFK said 'this was the best sex-job I ever had in my life'. Marilyn Monroe eat your heart out!

**3.** As I said before, the Assange film is worthwhile watching but the attempted character assassination of Julian Assange failed completely. To smear Julian Assange by saying he fathered four children with four different women, without naming these women and their offspring, interviewing them and to find out the story behind these presented fact, is unprofessional and absolutely pathetic.

The founder of the House of Saud, King Ibn' Saud of Saudi Arabia had more than 400 women and over 800 children. Beat that!

**4.** Now a word to these war criminals in US Army uniforms flying their helicopter gunships as shown in the famous documentary *Collateral Murder*, killing innocent civilians, including children, in Iraq. Have they been court-martialled and brought to justice, including the commanding officer on the ground who encouraged the helicopter crew to keep on killing? Who is doing

justice to the poor souls on the ground that have been turned into mincemeat by these war criminals? Nobody!

They are just the tragic casualties of war, including the Reuters correspondent, just collateral damage in military terms. This is not the way how to make friends, Uncle Sam, shame on you. The USA had great founding fathers like Benjamin Franklin, Thomas Jefferson, George Washington, and others. For me John F Kennedy was, as he was also for millions of others of my generation, the symbol of hope and a beacon of freedom – regardless of his character flaws, which we all have. Doesn't the Good Book say: 'Who is without sin casts the first stone!' What frightens me to death is what Matt Tabbi, a Wall Street insider, said: 'The USA has become a gangster state run by ganster economics'.

5. Now my personal critique of Julian Assange and Wikileaks. In this film Domscheit said that out of 90,000 cables, which contained some names of local Afghanis and Iraqis working for the Allies in Afghanistan and Iraq, just 15,000 cables were published. That was wrong, but until today, according to the film and other sources, there is no proof that even one soldier or one civilian was endangered or

killed because of these publications. Assange's comment that any civilian working for the Allies forces in Afghanistan and or Iraq 'deserves to be killed' is outrageous. This shows us that Wikileaks and Julian Assange are biased and blind on the left eye.

After Wikileaks had published the crimes against humanity and war crimes committed by the West in Iraq and Afghanistan, it is now high time that Wikileaks and other whistleblower organisations will expose similar crimes committed by Russia in Chechnya, Red China and its genocide in Tibet and other minority regions in China; the crimes of Cuba, Laos, Cambodia, Burma, Vietnam, South Africa, and indeed in most of the African nations from the Mediterranean to Cape Town, including the whole of the Middle East. Of course we must here not forget the criminal insane regime in North Korea kept alive with western money and food aid that is used to feed the North Korean army so they are strong enough to kill more of their own people. This reminds me of the Lenin quote that the capitalists will sell them the rope with which they will hang the west. We know that Red China and Russia is supplying military hardware and money to keep the rulers of North Korea alive. Red China is the worst culprit

here. They signed the UN Refugee Convention but still return North Korean refugees back home where they are killed.

My appeal to Julian Assange, Wikileaks, Daniel Domscheit-Berg and his *Openleak* organisation and other global whistleblower organisations – show the world that you are not blind on your left eye and expose today's world-wide Communist-regimes' Holocaust-genocide, which has cost the lives of over 200 million people as ex-Polish President Lech Valensa informed me personally when he visited Adelaide, South Australia.

A last word to the so-called silent majority whose mantra is: 'If you haven't done anything wrong, you have nothing to fear'. That mindset gives you a false sense of security. Remember, yesterday they were hunting down Julian Assange, today they are hunting the ex-CIA agent Edward Snowden, and tomorrow they will come for you!

"There are three things which cannot hide. The Sun the Moon and the Truth" – from Hermann Hesse's *Siddhartha*.

I conclude and rest my case by stating that the society which lies together, dies together.



**Message from Mr Peter Hartung – Director, Adelaide Institute:  
*We are always looking for creative, independent minds with  
wicket pens! Do you qualify? If yes, come on board.***

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**Newsflash: Australia's federal election will be held on 7 September 2013**

## Body blow to Jewry



By Dr. Frank Knopfelmacher, who fought with the 8th Army in North Africa and the British Liberation Army in Western Europe, and whose family died in the holocaust. Dr. Knopfelmacher is a reader in psychology at Melbourne University and a well known commentator on political and social affairs.

THE thesis conveyed by A. R. Butz (*The Hoax of the Twentieth Century*, Historical Review Press, Warwickshire, 1977) asserts, in essence, that the near-successful extermination of European Jewry by the German Government in the years 1933-45 is a total fabrication.

This principal and seemingly documented thesis is presented as a contribution to a wider thesis adhered to by the author, namely that the holocaust "hoax" is merely one feature of a general and totally fraudulent propaganda offensive waged against Nazi Germany, predominantly from Jewish sources, first to bring America into the war, and second to bring about a resettlement of displaced East European Jews in Palestine.

There can be no doubt that the deep indignation elicited among Australian Jews by Mr. Bennett's dissemination of the Butz thesis was thoroughly predictable.

It was also predictable that the official responses, to date, to the challenge would not be very adequate. Jewish representative bodies in this country are accustomed to life in a benign and tolerant social climate, in which anti-semitism has been, until recently, socially tabooed, for it was generally perceived as the principal ideological plank of a defeated and particularly loathsome enemy in a war which enjoyed the support of all identifiable sections of public opinion.

Furthermore, Mr. Bennett's undertaking had all the characteristics of a completely unexpected and utterly stunning body blow. He is a ranking officer of a respected liberal organisation (the Victorian Council of Civil Liberties).

Those among the target-group who knew him personally were taken completely by surprise, exhibiting the usual symptoms of victims assaulted in a sudden manner from unexpected quarters. To understand this fully, it is essential to appreciate what had been done.

Well over one half of Australian Jews (about a half per cent of the population) consists of survivors of or escapees from the holocaust, and their offspring.

Among them there is a diminishing, but still quite numerous proportion of "embers" — an expression used after the war in Czechoslovakia for unconsumed stray survivors of exterminated Jewish families.

Irrespective of his intentions, what Mr. Bennett has in fact done is to put these people's social legitimacy and reputation in question. For the Butz thesis implies clearly that the Jewish people are witty and, rarely, unwitting accomplices in a conspiracy to extort, to life and to kill, in order to acquire a counterfeit crown of martyrdom to be used for personal and political gain.

The Butz thesis is a group-libel against an easily identifiable and traditionally stigmatised section of the population, which exceeds in ferocity and depth of malice anything that had happened in the field of ethnic animadversion in this country at least since World War II.

For the socio-political implica-

tions accruing from acceptance of the Butz thesis are, at least, the following:

(1) The Jews are unusually corrupt and criminal. They are prepared to steal fortunes, destroy lives and reputations and kill or disposes Third World people to acquire by force and fraud territory which does not belong to them. They have a disposition towards collective cunning, mendacity and ruthlessness which is unparalleled in history.

(2) The *de facto* legitimacy of Israel rests on a gigantic and morally offensive fraud — the holocaust "legend" (the word legend is used both by Butz and Mr. Bennett unlike the stronger word hoax used by Butz alone). Consequently the world is periodically pushed to the brink of nuclear war and the Western economies kept tottering near collapse by the omnipresent threat of oil interdiction, in order to sustain the existence and the activities of a criminal enterprise — the State of Israel.

(3) The carnage of World War II was to a large extent caused and prolonged by the machinations of sinister Jewish forces, whose prime objective was the destruction of Germany with American military assistance. In these machinations the holocaust story is a key one, though still merely the tip of an iceberg.

There is, of course, no danger that the Butz thesis will win many straight converts in Australia, if only because of local scepticism towards oversystematised and *prima facie* "crazy" doctrines and also because Jews, whilst being news, are not very important news in this country.

What will happen as a result of Mr. Bennett's dissemination of the Butz thesis is something much more subtle and insidious. To understand this one has to grasp the concept of an "undisputed fact" in public debate. There are some events which Australians simply regard as such.

The Gallipoli landing, Pearl Harbor, 53,000 Australians killed in the Great War, Hitler's war-guilt, the sinking of HMAS Sydney, &c.

There are other propositions re-

garded as respectable, and believed by respectable men, which are, however such that other, equally respectable men may dispute them: the role of some generals in the fall of Singapore, the causes of the war in Vietnam, the desirability of immigration, the legitimacy of Israel, abortion, the Kaiser's war-guilt, the nature of the Kerr-Whitlam confrontation, &c.

And finally there are propositions outside the pale of seriousness, held by "ratbags", such as the politically sinister nature of fluoridation, the existence of a Judeo-Catholic conspiracy to destroy our British heritage by introducing the metric system, and the proposition that the holocaust did not happen.

The object of the Butz thesis is to shift the status of the holocaust in public debate from the category of an "undisputed fact" to that of a "controversial" issue on which men of repute and goodwill may disagree, that is, from the top of the credibility scale to its centre.

In practice this would mean that the legitimacy of post-war Jewish existence would become a matter of legitimate debate like that of the character of the German nation during and briefly after World War II. The disputed facts of genocide would put the Jewish people at permanent risk of social disrepute. For whilst it is a pity that Jewish spokesmen, coddled by 30 years of a "sheltered workshop" existence have used labels like "neo-Nazi" or "anti-semitic" instead of arguments or sarcasm, in response to Mr. Bennett, there can be no doubt that Butz's thesis restates for the ignorant coolly and with devastating effectiveness in a detached very "Anglo-Saxon" manner the key operational doctrines of Nazi anti-semitism. Since anti-semitism is intertwined deeply with the culture of western Christendom, closely integrated with Christian belief-systems as well as with the socio-economic profile of diaspora Jewry, its post-Nazi repression is unlikely to outlast the living memory of the holocaust. Nor will

it be weakened by the presence of a Jewish State on top of one of the world's principal powder-kegs and oil-barrels.

Today, anti-semitism is fostered, apart from fascists such as the National Front (whose publishers printed and distributed Butz's book) mainly by the Soviet Government, which conducts a campaign of defamation against the Jewish people, employing as "experts" former editors of Nazi newspapers from formerly German-occupied countries, now in their sixties, but still kicking.

Tomorrow other principalities and powers may join in, and they may yield a new harvest of hate. At present in Germany, demonstrators with asses' heads as masks are walking in the streets, carrying placards proclaiming: "I am an ass, I still believe we had gassed the Jews."

The technique employed by Mr. Bennett is simple: he is using the methods of philosophical doubt ("how do we know that chairs exist" etc.) known to all Philosophers, known to all Philosophy students, to dispute an empirical proposition, namely that about six million Jews were done to death by the German Government throughout Hitler's Chancellorship of Germany. More precisely, he is abusing the epistemological nature of empirical propositions, namely that they are logically fallible, for the purpose of generating practical doubt about an event established beyond reasonable practical doubt.

He singles out the holocaust for canons of evidence, which would dissolve into questionable legends not only the British casualty rate at the Somme or the Anzac battles of World War I but perhaps the existence of the World Wars themselves.

For, surely, Mr. Bennett knows about (for Butz mentions them) the volumes giving the proceedings of the International Military Tribunal at Nuremberg, and he knows about the proceedings of the subsequent National Military Tribunal in Nuremberg. He must know about the Auschwitz trial held in the benign atmosphere of a Frankfurt court in 1963-1965 without the possibility of coercion or intimidation, where 22 SS men stood trial for their deeds in the principal death-camp, some of them mocking both judges and witnesses in their justified certainty of evading punishment.

There are libraries about the holocaust, memoirs of survivors, documents, depositions, but the most important evidence is this: here in Australia, and elsewhere, there are still some embers alive, stray survivors who saw it happen to their whole families, not just "odd relatives".

It is therefore quite evident that Mr. Bennett's self-image of an upright umpire, beholden to none and fair to all, squirming under the intolerable burden of Butz's logic, must be a phoney one.

The consequences of his activities are apparent already and they constitute the most powerful endorsement of the validity of Zionism this country has seen.

For he has demonstrated by his crusade the intrinsic insecurity of Jewish life in the diaspora even here.

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